STATE OF NEW YORK

8661

2017-2018 Regular Sessions

IN ASSEMBLY

September 1, 2017

Introduced by M. of A. McDONALD -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to the definition of the practice of pharmacy

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 22 of section 6802 of the education law, as amended by chapter 46 of the laws of 2015, is amended to read as follows:

22. "Administer"[~~, for~~] **means:**

a. For the purpose of section sixty-eight hundred one of this article, means the direct application of an immunizing agent to adults, whether by injection, ingestion or any other means, pursuant to a patient specific order or non-patient specific regimen prescribed or ordered by a physician or certified nurse practitioner, who has a practice site in the county or adjoining county in which the immunization is administered, for immunizations to prevent influenza, pneumococcal, acute herpes zoster, meningococcal, tetanus, diphtheria or pertussis disease and medications required for emergency treatment of anaphylaxis. If the commissioner of health determines that there is an outbreak of disease, or that there is the imminent threat of an outbreak of disease, then the commissioner of health may issue a non-patient specific regimen applicable statewide.

b. The injecting of medications for the treatment of mental health and substance use disorder, as prescribed or ordered by a licensed prescriber in this state and in accordance with regulations promulgated by the commissioner in consultation with the board of pharmacy.

§ 2. Subdivision 22 of section 6802 of the education law, as added by chapter 563 of the laws of 2008, is amended to read as follows:

22. "Administer"[~~, for~~] **means:**

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD13345-01-7

a. For the purpose of section sixty-eight hundred one of this article, means the direct application of an immunizing agent to adults, whether by injection, ingestion or any other means, pursuant to a patient specific order or non-patient specific regimen prescribed or ordered issued by a physician or certified nurse practitioner who has a practice site in the county in which the immunization is administered. However if the county where the immunization is to be administered has a population of seventy-five thousand or less, then the licensed physician or certified nurse practitioner may be in an adjoining county. Such administration shall be limited to immunizing agents to prevent influenza or pneumococcal disease and medications required for emergency treatment of anaphylaxis.

b. The injecting of medications for the treatment of mental health and substance use disorder, as prescribed or ordered by a licensed prescriber in this state and in accordance with regulations promulgated by the commissioner in consultation with the board of pharmacy.

§ 3. Section 6801 of the education law is amended by adding a new subdivision 6 to read as follows:

6. A licensed pharmacist may administer injectable medications for the treatment of mental health and substance use disorder, as prescribed or ordered by a licensed prescriber in this state and in accordance with regulations promulgated by the commissioner in consultation with the board of pharmacy.

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that:

a. effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed by the commissioner of education on or before such date;

b. the amendments to subdivision 22 of section 6802 of the education law made by section one of this act shall not affect the expiration of such subdivision and shall be deemed to be expired therewith, when upon such date the provisions of section two of this act shall take effect;

c. the amendments to subdivision 22 of section 6802 of the education law made by section two of this act shall not affect the repeal of such subdivision and shall be deemed to expire therewith; and

d. the amendments to section 6801 of the education law made by section three of this act shall not affect the expiration of such section and shall be deemed to expire therewith.